

**AGENDA FOR THE
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TUESDAY, MAY 6, 2003 AT 10:00 A.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MAY 6, 2003 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at 533-5432.

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

4/01/2003
4/07/2003
4/08/2003
4/14/2003 - Adjourned
4/15/2003 - Adjourned

SPECIAL ORDERS OF BUSINESS

ITEM-31: Arthritis Awareness Month.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1203)

Recognizing the efforts of the Arthritis Foundation, San Diego Area Chapter, to educate and help individuals and families affected by arthritis in our community;

Proclaiming May 2003 to be "Arthritis Awareness Month" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Mingei International Museum 25th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1211)

Congratulating Mingei International Museum on its 25th anniversary and commending its efforts to increase the understanding and appreciation of international art of the people;

Proclaiming May 5, 2003 to be "Mingei International Museum 25th Anniversary Day" in the City of San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue those items scheduled to be heard at this morning's session. Requests to continue items scheduled to be heard at 2:00 p.m. will be taken at the beginning of the afternoon session.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, 53, 54, 55, and 56.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, and 109.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Amending the San Diego Municipal Code Relating to Periodic Temporary Park Closures.

(Navajo Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/21/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-49 Cor. Copy)

Amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by adding new Section 63.0130, relating to periodic temporary park closures.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-51: Amendment to Chapter 6, Article 5, Division 2 of the San Diego Municipal Code Relating to Maintenance Assessment Districts.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/21/2003 (Council voted 8-0. Councilmember Peters not present.):

(O-2003-129)

Amending Chapter 6, Article 5, Division 2, of the San Diego Municipal Code by amending Sections 65.0201, 65.0202 by renumbering Section 65.0206 to Section 65.027; and creating a new Section 65.0206, all relating to maintenance assessment districts.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-52: Constitutionality of the City's Regulation of "For Sale" Signs on Parked Vehicles.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/21/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-102 Cor. Copy)

Amending Chapter 8, Article 6, of the San Diego Municipal Code by amending Section 86.23 relating to Use of Streets for Storage, Service, or Sale of Vehicles, or for Habitation in Vehicles.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-53: Indemnification for Loan Board for the San Diego Regional Revolving Loan Fund.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/21/2003. (Council voted 8-0. Councilmember Peters not present):

(O-2003-139)

Authorizing that the San Diego Regional Revolving Loan Fund (SDRRLF) Board Members be indemnified from personal liability when serving within the scope of their duties.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-54: Prohibitions Against Consumption of Alcoholic Beverages by Minors and Allowing or Hosting Gatherings Where Minors are Consuming Alcoholic Beverages.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/21/2003 (Council voted 8-0. Councilmember Peters not present.):

(O-2003-114)

Amending Chapter 5, Article 6, of the San Diego Municipal Code by adding Sections 56.60, 56.61, 56.62, and 56.63, relating to Prohibitions Against Consumption of Alcoholic Beverages by Minors and Allowing or Hosting Gatherings Where Minors are Consuming Alcoholic Beverages.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-55: Amend Billboard Ordinance Regulating Alcohol Advertising.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/21/2003 (Council voted 8-0. Councilmember Peters not present.):

(O-2003-80)

Amending Chapter V, Article 8, Division 5, of the San Diego Municipal Code by amending Sections 58.0501, 58.0502, 58.0503, and 58.0504, all pertaining to Restricting the Advertising of Alcoholic Beverages to Youth.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-56: Crossroads Redevelopment Project.

(College and Mid-City (City Heights and Eastern) Community Plan Areas. Districts-4 & 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 4/22/2003. (Council voted 8-1. Councilmember Frye voted nay):

(O-2003-125)

Approving and adopting the Redevelopment Plan for the Crossroads Redevelopment Project.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Two actions related to Inviting Bids and Award of Contract for the Construction of Sewer Group 719 Project.

(See memorandum from Frank Belock, Jr., dated 2/11/2003. Ocean Beach Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2003-844)

Approving the plans and specifications for the construction of Sewer Group 719 [Project] on Work Order No. 175611;

Authorizing the City Manager to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$4,470,390, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$4,470,390 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for the purpose of providing funds for the Project and related costs, contingent upon the passage of the Fiscal Year 2004 Capital Improvement Program and Appropriation Ordinance Budgets, and provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K03507C)

Subitem-B: (R-2003-845)

Certifying that the Mitigated Negative Declaration LDR-3795 and LDR-2942 have been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declarations reflect the independent judgment of the City of San Diego as Lead Agency and that the information contained in the reports, together with any comments received during the public review process have been reviewed and considered by this Council in connection with the approval of the Construction of Sewer Group 719;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the initial studies and approving the Mitigated Negative Declarations;

Adopting the Mitigation Monitoring and Reporting Programs, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file Notices of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above Project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/19/2003, NR&C voted 4 to 0 to approve. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

SUPPORTING INFORMATION:

This project is part of the City's concrete sewer replacement program. Sewer Group 719 will replace approximately 12,625 linear feet of existing 6-inch and 8-inch concrete sewer mains with new 8-inch sewer mains. This replacement will include the sewer main north of Voltaire Street, which was originally part of Group Job 717 and for which the Mitigated Negative Declaration is included. The existing facilities were installed approximately in 1917 and are undersized, deteriorated, and are in need of replacement. This project will provide a more reliable sewage collection system for the service area. In addition, thirty-six (36) new pedestrian ramps will be constructed and the streets within the project will be slurry sealed from curb-to-curb.

This project lies in the Ocean Beach Community Planning area, on Bacon Street from Cape May Avenue to Long Branch Avenue; Ebers Street from Saratoga Avenue to Brighton Avenue; the alley between Saratoga Avenue and Cape May Avenue from Cape May Place to Venice Street; the alley between Cape May Avenue and Brighton Avenue from Cable Street to Santa Barbara Street; the alley between Brighton Avenue and Long Branch Avenue from Abbott Street to Bacon Street; and in the alley between Voltaire Street and Greene Street from Abbott Street to Froude Street. Residents will be notified by mail at least one month before construction begins by the City and again ten days before construction begins by the contractor through hand distribution of flyers.

The contractor will be required to provide traffic control plans for City approval and will be required to preserve/relocate existing historical stamps. This project has been presented to the Ocean Beach Community Planning Committee.

FISCAL IMPACT:

The total estimated cost of this project is \$4,470,390. Of this amount, \$705,162 is for engineering services and related cost, \$3,593,812 for construction, and \$171,416 for contingencies. Funds of \$4,470,390 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation-Sewer Main Replacement. This project is scheduled to be phase funded over FY 2004 and FY 2005.

Loveland/Belock/HR

WWF-03-630.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-101: Environmental Services Contract for the Metropolitan Wastewater Department 2003-2006.

(See memorandum from Scott Tulloch dated 2/26/2003 and memorandum from Ann Sasaki dated 2/27/2003.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1251)

Authorizing the City Manager to execute an Agreement for Professional Services with David Evans and Associates, Inc. (The Agreement) to perform environmental services on an as-needed basis for the Metropolitan Wastewater Department for a period of three years;

Authorizing the expenditure of an amount not to exceed \$750,000 from Funds No. 41506, 41508, and 41509, for the purpose of funding the Agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 3/26/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

The Metropolitan Wastewater Department (MWWD) proposes to enter into an agreement with David Evans and Associates, Inc., to provide as-needed environmental consulting services. The

agreement would be for a duration of three years and at a not-to-exceed amount of \$750,000. MWWD's current contract for environmental services is nearing completion, and MWWD anticipates continued need for environmental consultant services in support of the Department. MWWD advertised and requested proposals in August 2002. Eight proposals were received. A selection committee was convened in compliance with MWWD guidelines, and four companies were short-listed. The companies gave presentations to the committee, and David Evans and Associates was selected as the most qualified firm overall.

The Environmental Services Consultant will work with MWWD to implement the City's sewer inspection, cleaning, and maintenance program in an effort to meet the City's established goal of reducing sewer spills and assist MWWD in complying with the United States Environmental Protection Agency's Administrative Order.

MWWD's ongoing Canyon Sewer Cleaning Program is focused on cleaning approximately 253 miles of non-right-of-way sewer pipelines, many of which are located within canyons or other environmentally sensitive areas. In many cases, adequate maintenance access through these environmentally sensitive lands does not exist. In these cases, the creation of temporary or permanent access paths has resulted in the need for biological, archaeological, and general environmental expertise to evaluate and minimize environmental impacts and satisfy regulatory requirements.

The consultant would also assist with other ongoing Capital Improvement Projects. Work to be performed under this contract requires environmental regulatory expertise to satisfy the California Environmental Quality Act, the National Environmental Protection Act, and local and regional environmental and land use statutes. MWWD anticipates ongoing needs for biological surveys; archaeological surveys; environmental impact evaluations; preparation of mitigation, monitoring, and reporting programs; revegetation plans; preliminary environmental constraints analyses; water quality reports; construction monitoring; traffic analyses; acoustical analyses; paleontological monitoring; geotechnical investigations; GIS mapping; and overall environmental document preparation. These tasks must be completed in a timely manner to meet required schedules and satisfy regulatory conditions.

Certified Subconsultants:

MBE Ninyo and Moore, Inc., and Katz, Okitsu & Associates

Due to the nature of the as-needed contracts, the percentage use of the above-mentioned MBE subconsultants is dependent upon the task authorized by the City and the type of work required as part of those tasks.

FISCAL IMPACT:

The total expenditure associated with this Agreement is \$750,000. Funding for this Agreement would be available from Sewer Revenue Funds 41506, 41508, 41509.

Mendes/Tulloch/RPG

Aud. Cert. 2301098.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-102: Participation Agreement for Otay Mesa Potable Water Facilities.

(See memorandum from Larry Gardner dated 4/1/2003. Otay Mesa, Otay Mesa-Nestor and SanYsidro Community Areas. District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1268)

Authorizing the City Manager to execute a phase funded participation agreement with Stowe-Passco Development, Inc., for the construction of the Otay Mesa Potable Water Facilities;

Authorizing the City Auditor and Comptroller to transfer \$280,173 from Water Fund 41500, CIP-73-216.0, Black Mountain Reservoir Rehabilitation, to Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2;

Authorizing the expenditure of \$1,162,216 from Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2, for the purpose of funding the Agreement and related in-house engineering costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing that Phase 1 of the Agreement and related costs in the amount of \$474,260, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/9/2003, NR&C voted 5 to 0 to approve. (Councilmembers Zucchet, Lewis, Frye, Madaffer, and Inzunza voted yea.)

SUPPORTING INFORMATION:

This request is for the approval of the Otay Mesa Potable Water Facilities Participation Agreement, which will authorize Stowe-Passco Development, Inc. (Developer) to perform the construction activities necessary to complete the South San Diego Pipeline No. 2.

In June 1998, the City entered into a Participation Agreement with the Developer for the design and construction of the South San Diego Pipeline No. 2 (SSDPL#2). This agreement authorized preliminary studies and designs for the new pipeline. On January 19, 1999 and November 19, 2001, the City authorized Amendments No. 1 and 2 to the Agreement. These amendments approved design and construction of 11.5 miles of potable water pipeline and a new pump station. When completed, the SSDPL#2 will provide the South San Diego/Otay Mesa area with a redundant supply of potable water. Currently this area is serviced by only one major pipeline.

The SSDPL#2 is approximately 91% complete. However, during the course of performing the work, the City identified additional improvements that were necessary to complete the project. These improvements were added to the Developer's scope of services during the City design review process and include storm water pollution prevention activities, telemetry, and valve replacements on certain pipeline segments and the demolition and replacement of an existing pressure reducing station (PRS). Design of the PRS was completed under the original Agreement, however, funds were not available to complete its construction within the time frame of that Agreement. The Otay Mesa Potable Water Facilities Participation Agreement will reimburse the Developer for additional work performed on the pipeline segments, and fund the construction of the new Alaquinas Pressure Reducing Station.

The proposed approval of the Participation Agreement is exempt from CEQA. Impacts associated with project components are covered under several Environmental Impact Reports (EIR); Segments G, H, J, and B are addressed in the South San Diego EIR (LDR-98-0043); Segment C is covered under the Dennerly Ranch EIR (DEP No. 88-0785); and Segments P, Q, and R (Princess Park Pump Station) are covered under the Remington Hill EIR (DEP No. 93-0140). The Mitigation Monitoring Reporting Programs (MMPR) for these documents address potential environmental impacts associated with the project.

FISCAL IMPACT:

The total cost of the South San Diego Pipeline Project is \$34,696,966, of which \$33,534,750 has been previously authorized. The additional funding of \$1,162,216 for the Otay Mesa Potable Water Facilities Participation Agreement (\$1,117,216) and related in-house engineering costs (\$45,000) will be funded in FY 2003 and FY 2004. Funds for FY 2003 are available from the South San Diego Pipeline No. 2 and Black Mountain Reservoir budgets. Additional funds have been budgeted in the South San Diego Pipeline No. 2 budget in FY 2004.

Mendes/Gardner/MAS

Aud. Cert. 2301106.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-103: Reappointment to the San Diego Housing Commission.

(See memorandum from Mayor Murphy dated 4/18/2003 with resume attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1255)

Council confirmation of the reappointment by the Mayor of Tyler W. Cramer to serve as a member of the San Diego Housing Commission, for term ending January 2, 2007.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-104: Montgomery Field Perimeter Fencing and Access Control Improvements.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1238)

Authorizing the City Manager, or his designee, to make application to the FAA for \$750,000 in AIP Grant Funds and application to the State of California for \$37,500 in State matching funds, for Phase II of the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the City Manager, or his designee, to take all necessary actions to secure funding from the FAA and the State of California for the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the City Auditor and Comptroller to appropriate and expend funds, if

the grant funding is secured;

Authorizing the Auditor and Comptroller to establish special interest-bearing funds for the grant monies if such funding is secured;

Authorizing an increase of \$787,500 to the Fiscal Year 2003 Capital Improvement Program budget in CIP-31-339.0, Montgomery Field Perimeter Fencing, from the FAA and State of California grants;

Authorizing the City Auditor and Comptroller to appropriate and expend \$1,634,022 from CIP-31-339.0, Montgomery Field Perimeter Fencing, contingent upon receipt of fully executed grant agreements from the FAA and State of California;

Authorizing the City Manager, or his designee, to execute a Second Amendment to the Agreement with P&D Consultants, Inc., in an amount not to exceed \$111,000, for the preparation of construction documents for the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the expenditure of \$1,634,022 from CIP-31-339.0 for the Montgomery Field Perimeter Fence and Access Control Project;

Authorizing the City Manager, or his designee, to execute a contract with the lowest responsible bidder for the construction of the fencing and access control points for the Montgomery Field Perimeter Fence and Access Control Project.

CITY MANAGER SUPPORTING INFORMATION:

The Perimeter Fence and Access Control Project at Montgomery Field was originally approved on October 23, 2000 (R-294018). On November 12, 2002 (R-297268) the First Amendment to the original Consultant Agreement with P&D Consultants Inc. was also approved by Council. On September 11, 2002, Airports Division received a new Grant Offer from the Federal Aviation Administration indicating the allocation of an additional award of \$750,000 under FAA Fiscal Year 2002, Airport Improvement Program (AIP), for further development of Montgomery Field Airport, specifically, to acquire approximately 8,200 LF of perimeter fencing and 24 gates as Phase II of the on going project.

The increase in the budget would allow the City of San Diego, Airports Division, to expand the scope of work to incorporate replacement of existing damaged fences and add additional gates. This change and increased construction costs dictates a Second Amendment to the Consultant Agreement with P&D Inc.

P&D Inc. will perform all necessary work to revise the current bid documents to show a stand-alone keypad access control system for ten automatic vehicle gates. The addendum will also include revisions on fencing improvements to show additional new fencing and to replace existing

fence repair with removal and replacement with new eight-foot high fence. The addendum will also include the elimination of Bid Additive Alternate No. 2 which included a wireless centralized access control system. FAA determined that the access control system for general aviation reliever airports is ineligible for reimbursement under AIP. The design will include all necessary plans, specifications and construction cost estimates. P&D Inc. will attend all necessary meetings with the City, FAA, and others as necessary in order to accomplish the work.

FISCAL IMPACT:

The current total project budget for CIP-31-339.0, Montgomery Field Security Fence is \$846,522. This action will increase the budget by \$787,500 to \$1,634,022. Funding consists of \$1,300,000 in Federal Aviation Administration grants, \$65,800 in State of California grants, and \$246,000 from Annual Allocation - Montgomery and Brown Field Airports, \$22,222 from Fund 41100 fund balance.

Herring/Griffith/TM

Aud. Cert. 2301093.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: Adams Avenue Roots Festival 30th Anniversary Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-1263)

Recognizing the 30th anniversary of the Adams Avenue Roots Festival and commending the Adams Avenue Business Association Board of Directors and festival music curator, Lou Curtiss, for their efforts and dedication to their community;

Proclaiming Saturday, April 26, 2003 to be "Adams Avenue Roots Festival 30th Anniversary Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-106: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1018)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-107: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-805)

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-108: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1129)

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER'S SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-109: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-1118)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

- ITEM-200: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiator: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on May 6, 2003.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ADOPTION AGENDA, HEARINGS

SPECIAL HEARINGS:

ITEM-201: Special Hearing - FY 2004 Social Service Program Funding.

(See City Manager Report CMR-03-083.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-1256)

1. Approving the funding recommendations for the Fiscal Year 2004 Social Service Programs, contingent upon certification of funds availability by the City Auditor and Comptroller.
2. Approving the funding appropriations from the General Fund, Community

Development Block Grant Program, Emergency Shelter Grant, Housing Opportunities for People with AIDS Grant, San Diego County, and the Housing Commission for Fiscal Year 2004 Social Service Programs, contingent upon the adoption of the FY 2004 budget and contingent upon certification of funds availability by the City Auditor and Comptroller.

3. Authorizing the City Manager to negotiate and execute agreements with all programs approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval - "Hidden Trails, Unit 1".

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Hidden Trails, Unit 1", TM-89-0739, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Otay Mesa Community Plan Area, southeasterly of Ocean View Hills Parkway and Palm Avenue in Council District 8. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed.

Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-330 Appeal of Tie-down Fee Increases at Montgomery Field Airport.

(See City Manager Report CMR-03-087. Kearny Mesa Community Plan area.
District-6.)

CITY MANAGER'S RECOMMENDATION:

Deny the Appeal and approve the fee increases to market rates for City Airports.

TODAY'S ACTION IS:

Adopt **either** Subitem-A denying the appeal **or** Subitem-B granting the appeal:

Subitem-A: (R-2003-1252)

Resolution denying appeal of City Airports Tie-Down and Fuel Fee Increases.

OR

Suibitem-B: (R-2003-1253)

Resolution granting appeal of City Airports Tie-Down and Fuel Fee Increases.

SUPPORTING INFORMATION:

The City of San Diego owns and operates two General Aviation Airports, Montgomery and Brown Field. The Airports Division operates as a user-funded enterprise system, receiving no general fund subsidy. All revenues from airport rates charges and fees are used to support the operating, capital, and other cost associated with Montgomery and Brown Field. The City of San Diego Administrative Regulation No. 95.25 provides for an annual review of the fees and charges that the City departments may administer to recover the cost of providing services. City Municipal Code Section 68.0119 grants the City Manager authority to charge and collect fees associated with the City Airports. Council Policy 100-5 formalized the process of notifying the public when changes to fee structures are made.

The Final Policy Regarding Airport Rates and Charges (Federal Register/Vol. 61. No. 121) requires airports to maintain a fee and rental structure for the facilities and services at the airports to make them as self-sustaining as possible. The Final Policy also requires that all revenues generated by the airports, including monthly aircraft parking rents and aviation fuel flowage fees, be expended by it for the operating and capital costs of the airports.

The last time airport fees were brought to market rate was in 1999. Fuel flowage fees were increased

from 4 cent to 5 cent per gallon with no appeal requested. Monthly tiedown fees were proposed to be increased from \$50 to \$85 for a single engine aircraft and from \$65 to \$100 for twin engine aircraft. In addition, a new fee structure of 8 cents per square foot was proposed for larger aircraft occupying over 1050 square feet. An appeal of the tiedown fees was requested. The City Council denied the appeal and directed staff to implement the increase over two years since an adjustment had not occurred for 10 years. Staff was also directed to review rates annually. After review in 2001, fees were not increased as the aviation industry was experiencing the impacts of the September 11 terrorist attacks. As evidenced by the number of based aircraft, annual operations and demand for aircraft parking, City Airports have since recovered. At Montgomery Field during calendar year 2002, annual aircraft operations increased 13% over 2001. In addition, there were no parking vacancies, and there was a waiting list for aircraft parking. At Brown Field during the same reporting period, the number of based aircraft increased, a new fuel provider began operations, and total aircraft operations increased 14%.

Stakeholders and users were properly noticed regarding the currently proposed fee increases. The proposed increase directly effect 98 aircraft at Montgomery Field, and the five fuel service providers that deliver fuel to the two City airports. On March 21, 2003 and March 25, 2003, letters were sent to the effected parties. The increases were discussed at the March 4, 2003 and April 1, 2003 Airports Advisory Committee (AAC) meetings. As of April 15, 2003, four letters appealing the increases were received and acknowledged.

FISCAL IMPACT:

Total fiscal impact associated with this action will increase the Airports Enterprise Fund by approximately \$98,000 annually.

Herring/Griffith/TLM

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS **RESOLUTIONS:**

ITEM-331: Two actions related to Proposed Disposition and Development Agreement with Barrio Logan Properties, LLC - Barrio Logan Redevelopment Project.

(See City Manager Report RA-030-13/CMR-03-070. Barrio Logan/Harbor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1281)

Approving the Disposition and Development Agreement for the Logan Avenue Revitalization Project in the Barrio Logan Redevelopment Project area; approving the sale and/or lease of property in the Barrio Logan Redevelopment Project area pertaining thereto; and making certain findings with respect to the Disposition and Development Agreement and the sale and/or lease.

Subitem-B: (R-2003-1282)

Certifying that the Redevelopment Agency has reviewed and considered information contained in the Final Master Environmental Impact Report for the Barrio Logan Redevelopment Project and making certain findings and determinations regarding the environmental impacts of the Logan Avenue Revitalization Project.

NOTE: See the Redevelopment Agency agenda of 5/6/2003 for a companion item.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-332: Three actions related to Liberty Station Maintenance Assessment District.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1242)

Resolution to form the Liberty Station Maintenance Assessment District.

Subitem-B: (R-2003-1243)

Resolution approving the City Engineer's report submitted in connection with the Liberty Station Maintenance Assessment District.

Subitem-C: (R-2003-1241 Cor. Copy)

Resolution of Intention to levy and collect Fiscal Year 2004 annual assessments on Liberty Station Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2004 assessment for the Liberty Station Maintenance

Assessment District (District). The District is located in the Peninsula Community Planning Area west of the boat channel in an area bounded by Laning Road, Rosecrans Street, and Lytton Street and east of the boat channel bounded by North Harbor Drive and McCain Road. The purpose of the District is to fund the maintenance and electrical costs of ornamental light poles and fixtures through assessment of the property owners to provide lighting in public rights-of-way and dedicated easements within the boundaries of the District. All costs beyond the City standard for streetlighting is considered to be Special Benefit; these costs would be assessed to the proposed District.

The Fiscal Year 2004 proposed maintenance costs for the District are as follows:

<u>DESCRIPTION</u>	<u>FY 2004</u>	
BEGINNING BALANCE (Reserve)	\$	0.00
REVENUE:		
Assessments	\$	47,305.00
Interest		<u>393.00</u>
TOTAL REVENUE	\$	47,698.00
EXPENSE:		
Contractual	\$	20,989.00
Incidental	\$	20,014.00
Utilities	\$	<u>6,302.00</u>
TOTAL EXPENSE	\$	47,305.00
ENDING BALANCE (Reserve)	\$	393.00

The maximum property owner assessments are proposed as follows: \$62.17/EDU in Zone A, \$17.26/EDU in Zone B, \$5.17/EDU in Zone C, \$1.56/EDU in Zone D, \$0.82/EDU in Zone E, \$16.27/EDU in Zone F, and \$1.92/EDU in Zone G. The maximum assessment will be increased annually by the factor published in the San Diego Urban Consumer Price Index (SDCPI-U). It is estimated that the District will ultimately contain a total of 13,248.88 EDUs: 209.00 EDUs in Zone A, 237.02 EDUs in Zone B, 4,374.90 EDUs in Zone C, 521.63 EDUs in Zone D, 812.50 EDUs in Zone E, 271.91 EDUs in Zone F, and 5,820.92 EDUs in Zone G (which overlaps Zones A, B and C). The property owner assessments to be levied for Fiscal Year 2004 are as follows: developed properties in Zones A, B, C and G will be assessed the maximum rates, undeveloped properties will be assessed \$61.05, \$16.99, \$3.15 and \$1.89/EDU, respectively; undeveloped properties in Zones D will be assessed \$0.61/EDU (there are no developed properties anticipated); there will be no costs or assessments in Zone E, and Zone F developed properties will be assessed \$14.69/EDU.

FISCAL IMPACT:

All costs are assessed to the property owners within the District. Several parcels are owned by the City of San Diego or related City entities. The estimated assessment Fiscal Year 2004 annual amounts for these parcels are: General Fund (Fund 100, Dept 601, Org 2600, JO 002600): \$1,313 for a park; Metropolitan Wastewater Department (Fund 41509, Dept 779, OA 4146, JO 191830): \$967 for a laboratory; and Redevelopment Agency (Fund 10530, NTC Leaseholder Special Revenue Fund): \$13,989 for various parcels in the proposed district. Funds will be included in the respective department Fiscal Year 2004 Operating Budgets to cover this cost. Redevelopment Agency

assessments in Fiscal Year 2005 and beyond will be funded through lease payments. All general benefit streetlights proposed for this district would cost \$15,069 and would be paid from the Street Division as part of their Fiscal Year 2004 Operating Budget. All Maintenance Assessment District formation costs were paid by the developer.

Herring/Oppenheim/AWF

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-333: Two actions related to Naval Training Center - General Development Plan.

(See City Manager Report CMR-03-026. Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2003-1036)

Approving the General Development Plan for the NTC Park.

Subitem-B: (R-2003-1037)

Certifying that Mitigated Negative Declaration LDR-42-0574 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the applicable State guidelines (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the General Development Plan for the NTC Park;

Declaring that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of

the Board of Supervisors for the County of San Diego regarding the General Development Plan for the NTC Park.

NOTE: See the Redevelopment Agency Agenda of 5/6/2003 for a companion item.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT